



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

MEMORANDUM

DAVID P. LITTELL
COMMISSIONER

TO Board of Environmental Protection
FROM Peter Carleton, Bureau of Air Quality Control
SUBJECT Lincoln Paper and Tissue, LLC
DATE May 1, 2008

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Statutory and Regulatory References

Lincoln Paper and Tissue, LLC (LPT) operates the Lincoln, Maine facility under the terms and conditions of Air Emission License A-177-70-A-I issued on October 22, 2002 and all of its amendments as well as being subject to all applicable state and federal regulations

Description

Department staff documented that particulate stack testing undertaken on the #2 Recovery Boiler stack on September 26, 2007 had resulted in a three run average particulate matter (PM) emission rate of 0.046 gr/dscf @ 8% O₂. Air Emission License A-177-70-A-I requires LPT to meet a PM emission for the facility's #2 Recovery Boiler of no greater than 0.044 gr/dscf @ 8% O₂. Department staff also documented that LPT violated Total Reduced Sulfur (TRS) emissions standards as established in Air Emission License A-177-70-A-I and 06-096 CMR 124

Location

Lincoln, Maine

Environmental Issues

The Department imposes air emission license conditions to ensure that the licensed equipment is operated in a manner consistent with good air pollution control practices and in a manner protective of air quality. Compliance with all air emission license conditions and applicable regulations is essential to the maintenance of good air quality.

Department Recommendation

Staff recommends approval of the Consent Agreement which requires LPT to make payment of civil penalties in the amount of \$5,500.00. The penalty was a negotiated settlement based on the Air Bureau's penalty assessment guideline

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IN THE MATTER OF:

Lincoln Paper and Tissue, LLC)	ADMINISTRATIVE CONSENT
Penobscot County)	AGREEMENT
Lincoln, Maine)	
A-177-70-A-I		

This Agreement by and among Lincoln Paper and Tissue, LLC, the Maine Department of Environmental Protection (the "Department") and the State of Maine Attorney General is entered into pursuant to 38 M.R.S.A. § 347-A(1)(A), and in accordance with the Department's Administrative Consent Agreement Policy as amended.

The parties agree as follows:

1. Lincoln Paper and Tissue, LLC (LPT) operates the Lincoln, Maine facility under the terms and conditions of Air Emission License A-177-70-A-1 issued on October 22, 2002 and all of its amendments. The LPT Air Emission License and amendments provide for the operation of fuel burning and process equipment associated with the Lincoln, Maine paper mill
2. Air Emission License A-177-70-A-I contains Condition 14, paragraphs (A) and (H), which states in relevant part:

(14) LPP shall meet the following requirements for the #2 Recovery Boiler

- A The emissions from the Recovery Boiler shall not exceed the following limits. [MEDEP 1991 PSD Permit (A-177-71-A/R), MEDEP Chapter 140, BPT]

PM 0.044 gr/dscf @ 8% O₂

- H Recovery Boiler #2 shall not exceed a particulate limit of 0.044 grains/dscf corrected to 8% O₂ for PM. Compliance with the gr/dscf and lb/hr particulate matter limits shall be determined on the basis of stack testing performed in calendar year 2003, and once every two years thereafter in accordance with 40 CFR Part 60, Appendix A, Method 5 [MEDEP 1991 PSD Permit (A-177-71-A/R), MEDEP Chapter 140, BPT]

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) ADMINISTRATIVE CONSENT
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- 3 Upon review of stack tests results submitted to the Department by LPT on November 8, 2007 and LPT's 2007 3rd Quarter Air Emissions Report, submitted to the Department by LPT on October 29, 2007, Department staff documented that particulate stack testing undertaken on the #2 Recovery Boiler stack on September 26, 2007 had resulted in a three run average particulate matter (PM) emission rate of 0.046 gr/dscf @ 8% O₂ which exceeds the facility's #2 Recovery Boiler PM emission restriction of 0.044 gr/dscf @ 8% O₂.
- 4 After the September 26, 2007 stack testing resulted in documenting an excess emission, LPT undertook several remedial actions to solve the PM issues on the #2 Recovery Boiler. LPT undertook retesting on October 9, 2007 which resulted in a three run average PM emission rate of 0.043 gr/dscf @ 8% O₂ which is below the facility's PM restriction for the facility's #2 Recovery Boiler.
- 5 Remedial action undertaken by LPT had been completed on October 1, 2007. The Department determined that LPT was operating in violation of Air Emission License A-177-70-A-I Condition 14, paragraphs (A) and (H) for the five (5) days that included the day of the first failed test to the completion of the remedial actions that brought the facility back into compliance.
- 6 A Notice Of Violation (NOV) was issued to LPT, on January 18, 2008 for the violation described in paragraphs three (3), four (4) and five (5).
7. Air Emission License A-177-70-A-I contains Condition 30, paragraphs (A) and (C), which states in relevant part

(30) LVHC System Equipment Requirements

- A Each digester shall be vented to either the Lime Kiln or Power Boiler #8 when the digester is in use. [MEDEP Chapter 124]
 - C LPP shall not allow venting of TRS from the LVHC system or associated equipment which:
 1. exceeds 40 minutes in duration; or ...
8. Maine's Rule, *Total Reduced Sulfur Control From Kraft Pulp Mills*, 06-096 CMR 124.3(C)(1) which states in relevant part

3 Standards

- (C) No owner or operator subject to this Chapter shall allow venting of TRS from the LVHC or associated equipment that is required to be controlled which:
 - (1) exceeds 40 minutes in duration, or

Lincoln Paper and Tissue, LLC
Penobscot County
Lincoln, Maine
A-177-70-A-I

**ADMINISTRATIVE CONSENT
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- 9 Upon review of LPT's 2007 *2nd Quarter Air Emissions Report*, submitted to the Department by LPT on July 31, 2007 and an excess emission notification submitted to the Department by LPT on May 4, 2007, the Department documented that LPT violated Total Reduced Sulfur (TRS) emissions standards as established in Air Emission License A-177-70-A-I Condition 30, paragraphs (A) and (C) and 06-096 CMR 124 on the following date:

Date	Emission Unit	Pollutant	Duration
4/20/2007	M&D Digester	TRS	315 minutes

10. For the purposes of this Agreement, LPT agrees that it received proper notice of all violations identified herein pursuant to 38 M R S A § 347-A(1)(B).
11. The Department has regulatory authority over the activities described herein
12. This Agreement shall not become effective unless and until it is approved by the Board and the Department of the Attorney General
13. To resolve the violations identified in this Agreement, LPT agrees to pay the sum of five thousand, five hundred dollars (\$5,500.00) as a civil monetary penalty immediately upon signature of this Agreement, to the *Treasurer, State of Maine*
- 14 The Department and the State of Maine Attorney General grant LPT a release of the causes of action that they have for the specific violations described in paragraphs three (3), four (4), five (5) and nine (9) above and for any violations of the State's air quality laws reported to the Bureau of Air Quality (BAQ) in writing through the quarter ending December 31, 2007 in consideration of the payment called for in paragraph thirteen (13) above. The release shall not become effective until all requirements of this Agreement are satisfied
- 15 Non-compliance with this Agreement voids the release set forth in paragraph fourteen (14) of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A § 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies
- 16 Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all local, state and federal laws, including but not limited to licensing requirements.

Lincoln Paper and Tissue, LLC
Penobscot County
Lincoln, Maine
A-177-70-A-I

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17 The provisions of this Agreement shall apply to, and be binding on, the parties, their successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this agreement.

IN WITNESS WHERE OF the parties hereto have executed this agreement of four (4) pages.

LINCOLN PAPER & TISSUE, LLC

BY

NAME, TITLE

*DOUGLAS S. WALSH
EXEC VP. OPERATIONS*

DATE

4/7/08

BOARD OF ENVIRONMENTAL PROTECTION

BY

ERNEST W HILTON, CHAIR

DATE

SEEN AND AGREED TO, STATE OF MAINE

BY

GERALD D REID, ASSISTANT ATTORNEY GENERAL

DATE